

GRUMA CORPORATION
d/b/a MISSION FOODS

UNITED FOOD AND COMMERCIAL
WORKERS LOCAL 1776

**GRUMA CORPORATION D/B/A MISSION FOODS'
MOTION TO RESCHEDULE HEARING**

3. The October 31, 2017, Order Consolidating Cases, Consolidated Complaint and Notice of Hearing identifies Fred Grubb in Paragraph 4(b) as one of Respondent's Consultants. Mr. Grubb was the Chief Spokesperson for Respondent during the collective bargaining negotiations for much of the six (6) months prior to filing the initial charge in this matter. Mr. Grubb is a material witness in this case. Mr. Grubb is a resident of Vermont and has now retired

from his consulting business. Mr. Grubb has informed Respondent's counsel that he is unavailable on December 18, 2017 and the following two (2) week holiday period, due to a previously scheduled family Christmas vacation. In summary, the hearing as currently set creates irreconcilable scheduling conflicts for Mr. Grubb.

4. Other witnesses for Respondent along with its counsel, Frank Davis, also have irreconcilable scheduling conflicts due to a previously scheduled NLRB – Region 28 hearing in Phoenix, Arizona, the week of December 12, 2017, which is likely to extend for multiple days. A copy of the Order scheduling same is attached as Exhibit A.

5. Further, holding a hearing the week of December 18, 2017, creates significant operational issues for Respondent. From December 11 to 15, 2017, the Respondent's Mountain Top location is scheduled to undergo its next "SQF audit." This is a very crucial quality audit for the plant conducted by a third party and has been scheduled for months. Additionally, PwC (the large accounting firm) is scheduled to visit the Mountain Top plant on December 18, 2017 to conduct a separate audit. Finally, due to the holiday season, there are many scheduled vacations during the weeks before and after Christmas, while the plant is also at high production volume.

6. Counsel for Respondent contacted the office of Counsel for the Union to discuss the issues in this motion and left a detailed voice message. The Union's counsel has not returned that call, but has advised via e-mail that "Local 1776 objects to a postponement of the hearing."

7. For the reasons described above, good cause exists for the requested rescheduling of the hearing date.

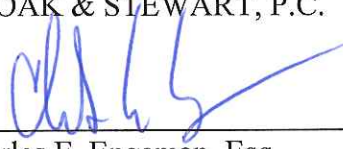
8. This motion is made in good-faith based on the circumstances as set forth above and is not intended to unnecessarily delay the proceedings.

WHEREFORE, based on the foregoing, Respondent respectfully requests that the hearing currently scheduled for 10:00 a.m. on Monday, December 18, 2017, be rescheduled to for a mutually available date on or after January 15, 2017

Dated this the 14th day of November, 2017.

Respectfully submitted,

OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.



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Attorneys for Respondent

CERTIFICATE OF SERVICE

This is to certify that on the 14th day of November, 2017, a .pdf copy of Gruma Corporation d/b/a Mission Foods' Motion to Reschedule Hearing was filed through the NLRB E-Filing system and, in accordance with NLRB Rules and Regulations Section 102.114(i), served by certified mail, return receipt requested, to:

Mr. Dennis P. Walsh
Regional Director, Fourth Region
National Labor Relations Board
615 Chestnut Street, #710
Philadelphia, PA 19106

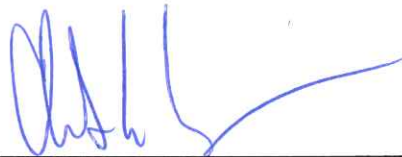
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United Food and Commercial Workers Local 1776
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Plymouth Meeting, PA 19462

Dated this the 14th day of November, 2017.

OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.

By:



Charles E. Engeman, Esq.

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